
IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

MIGUEL ANGEL REYES-SOTO,

Plaintiff,

v.

ROBERT A. LUND,

Defendant.

**ORDER ADOPTING & AFFIRMING
REPORT & RECOMMENDATION**

Case No. 2:19-CV-00178-DAK

Judge Dale A. Kimball

This case was assigned to United States District Court Judge Dale A. Kimball, who then referred it to United States Magistrate Judge Paul M. Warner under 28 U.S.C. § 636(b)(1)(B). On March 6, 2020, Magistrate Judge Warner issued a Report and Recommendation, recommending that the court (1) grant Defendant's Motion to Dismiss, with prejudice, for failure to state a claim pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and for failure to comply with the minimum pleading requirements of Rule 8 of the Federal Rules of Civil Procedure; and (2) overrule Plaintiff's Objection to Magistrate Hearing Administrative Case. The Report and Recommendation notified Plaintiff that any objection to the Report and Recommendation must be filed within fourteen days of receiving it. Plaintiff filed his objections on March 20, 2020.

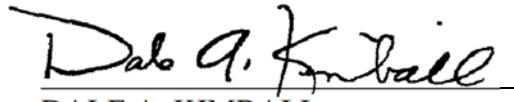
A Magistrate Judge's Report and Recommendation is subject to *de novo* review by this court. *See* 28 U.S.C. § 636(b)(1)(B); *see also* Fed. R. Civ. P. 72(b). The court has reviewed the Report and Recommendation and the record *de novo*. Because the court remains unpersuaded by Plaintiff's objections, the court agrees with Magistrate Judge Warner's recommendation to

dismiss the case for failure to state a claim and failure to meet the pleading requirements set forth Rule 8. The court further agrees with Magistrate Judge Warner's recommendation to overrule Plaintiff's objection to having a magistrate hear the case. Specifically, the court finds Plaintiff's objections to be unavailing because (1) they are difficult to follow and comprehend; and (2) they fail to adequately address or specifically challenge Magistrate Judge Warner's legal analysis.

Accordingly, the court adopts and affirms Magistrate Judge Warner's Report and Recommendation in its entirety. Defendant's Motion to Dismiss [ECF No. 4] is hereby GRANTED, and Plaintiff's complaint is dismissed with prejudice. Moreover, Plaintiff's Objection to Magistrate Hearing Administrative Case [ECF No. 14] is OVERRULED.

DATED this 24th day of March, 2020.

BY THE COURT:


DALE A. KIMBALL
United States District Judge